OT 2 8 2004 25 De Paperwork Restriction Act of 1995. In	no person:	s are required to respond to a collection	PTO/SB/21 (02-04) Approved for use through 07/31/2006. OMB 0651-0031 nt and Trademark Office; U.S. DEPARTMENT OF COMMERCE on of information unless it displays a valid OMB control number.
TE TRAD		Application Number	10/781250
TRANSMITTAL		Filing Date	2/18/2004
FORM		First Named Inventor	Backes
(to be used for all correspondence after initial fill	ing)	Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	160-034
	ENCI	LOSURES (Check all that	46 A
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	F F C C Remar	Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Addra Terminal Disclaimer Request for Refund CD, Number of CD(s)	After Allowance communication to Technology Center (TC) Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below):
Firm Mary Steubing		A I LIVANI, A I VIN	LI, OR AGENT
or Individual name			
Signature Many 11	110	M 0	
Date	22/	'n W	
CF	RTIFIC	CATE OF TRANSMISSION	/MAILING
I hereby certify that this correspondence is bei	ing facsin	mile transmitted to the USPTO or	r deposited with the United States Postal Service with tents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date Signature This collection of information is required by 37 CFR 10. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Backes	et al.

Serial No.: 10/781250

Filed: 2/18/2004

Program for Selecting Title:

Program for Selecting at Optimum Point in a Wireless Network of a

channel

Attorney Docket No.: 160-034

Group Art Unit:

Examiner:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 33212-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted before the mailing date of the first office action on the merits.

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, if required, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 33212.

Date of Deposit: 10/2 6/04

Typed Name: Mary Steubing

Respectfully submitted,

Mary Steubing/Reg. No. 37,946 Attorney/Agent for Applicant(s)

Steubing McGuinness & Manaras LLP

125 Nagog Park Drive Acton, MA 01720

Date: 10/22/04

Telephone No.: 978-264-6664

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB

	ite for form 1449A/I	то		Complete if Known		
* * * *				Application Number	10/781250	
11	NFORMATION [DISCL	OSURE	Filing Date	2/18/2004	
S	TATEMENT BY	'APP	LICANT	First Named Inventor	Backes	
(use as many sheet	s as ne	ecessary)	Art Unit		
				Examiner Name	•	
Sheet	1	of	2	Attorney Docket Number	160-034	

	U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	<u> </u>	US- 2004/0137915 A1	7/15/2004	Diener et al.			
	I	US- 2003.0207699 A1	11/6/2003	Shpak			
	I	US- 2002/0193113 A1	12/19/2002	Shibutani			
	I	US- 2002/0141375 A1	10/3/2002	Choi			
	I	US- 2003/0022686 A1	1/30/2003	Soomro et al.			
	I	US- 2002/0176437 A1	11/28/2002	Busch et al.			
	I	US- 2003/0002456 A1	1/2/2003	Soomro et al.			
	I	US- 2002/0060995 A1	5/23/2002	Cervello et al.			
	Ι	US- 6,741,863 B1	5/25/2004	Chiang et al.			
	I	US- 6,560,462 B1	5/6/2003	Ravi et al.			
	I	US- 6,332,007 B1	12/18/2001	Wu et al.	<u> </u>		
	I	US- 6,208,629 B1	3/27/2001	Jaszewski et al.	T		
	I	US- 6,198,924 B1	3/6/2001	Ishii et al.			
	I	US- 6,760,748 B1	7/6/2004	Hakim			
	I	US- 6,111,867	12/12/1997	Mann			
	I	US- 6,574,477	10/6/1999	Rathunde			
	I	US- 6,574,474	5/20/1999	Nielson			
	Ī	US- 6,732,163	1/5/2000	Halasz			
	I	US- 6,215,779	9/22/1998	Bender	<u> </u>		
	T	US- 6,636,737	4/10/2000	Hills			
		US- 6,738,599	3/14/2002	Black			
		US- 6,522,881	3/8/2000	Feder			
		US- 6,208,629	3/10/1999	Jaszewski			

	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶	
••••••							
·····							
••••••			,			ļ	
••••••						<u> </u>	

Examiner	Date	
Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Senter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language

Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO				Comple	ete if Known
				Application Number	10/781250
	INFORMATION [DISC	LOSURE	Filing Date	2/18/2004
	STATEMENT BY			First Named Inventor	Backes
	(use as many sheet			Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	160-034

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite ₁ No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		IEEE, Wireless LAN Mediumj Access Control (MAC) and Physical Layer (PHY) specifications, Standard 802.11, 1999 edition, Reference number ISO/IEC 8802-11:1999(E), 528 Pages.	
••••••		MICHAEL BARR, "Toward a Smaller Java", Embedded.com, June 14, 2002, Pages 1-9.	
***************************************		Moustafa Youssef, "Handling Samples Correlation in the Horus System", IEEE INFOCOM 2004	
		Kin K. Leung, "Integrated Link Adaptation and Power Control for Wireless IP Networks", AT&T Labs – research , January 19, 2000.	
		Ana Zapater et. Al., "Development and Implementation of a Bluetooth Networking Infrastructure for the a Notebook – University Scenario", Institute of Communications Engineering, University of Hannover, May 13, 2003.	
		Walter Klotz, "Graph Coloring Algorithms", 1999.	
		Brent N. Chun et. Al., "Market-based Proportional esource Sharing for Clusters", University of California at Berkeley computer Science Division, September 1999.	
***************************************		The Four Color Theorem, Web page, author(s) unknown, updated November 13, 1995.	••••••
***************************************			•••••

ı	Examiner	Date
	Signature	Considered

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.